



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

February 18, 1997

Mr. Lou Bright  
General Counsel  
Texas Alcoholic Beverage Commission  
P.O. Box 13127  
Austin, Texas 78711-3127

OR97-0364

Dear Mr. Bright:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 103811.

The Texas Alcoholic Beverage Commission ("TABC") received an open records request for "a list of the names, addresses, license renewal dates, and the name of each bonding company which has issued a conduct surety bond to permit holders." Pursuant to the provisions of the Alcoholic Beverage Code, certain applicants for a license or permit are required to post conduct surety bonds. Alco. Bev. Code § §11.11, 61.13. You assert that this information is confidential under section 5.48 of the Alcoholic Beverage Code, in conjunction with section 552.101 of the Government Code.

Section 552.101 of the Government Code excepts from required public disclosure information made confidential by law. Section 5.48 of the Alcoholic Beverage Code provides:

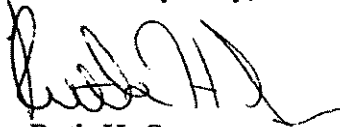
(a) "Private records," as used in this section, means all records of a permittee, licensee, or other person other than the name, proposed location, and type of permit or license sought in an application for an original or renewal permit or license, or in a periodic report relating to the importation, distribution, or sale of alcoholic beverages required by the commission to be regularly filed by a permittee or licensee.

(b) The private records of a permittee, licensee, or other person that are required or obtained by the commission or its agents, in connection with an investigation or otherwise, are privileged unless introduced in evidence in a hearing before the commission or before a court in this state of the United States.

The term "privileged" in this statute has been construed by this office to mean "confidential" for purposes of chapter 552 of the Government Code. *See* Attorney General Opinion JM-1235 (1990) at 2; Open Records Decision Nos. 186 (1978), 62 (1974). Section 5.48 generally provides that all information in a licensee or permittee's original application and renewal application files, except for the name, proposed location, and type of permit or license sought in an application or periodic report, is confidential. You state that the information requested is contained in licensee and permittee application files. We assume that this information has not been introduced as evidence in an administrative hearing before TABC or before a state or federal court. Thus, we agree that the requested information concerning conduct surety bonding companies is confidential and may not be disclosed.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Ruth H. Soucy  
Assistant Attorney General  
Open Records Division

RHS/ch

Ref.: ID# 103811

Enclosures: Submitted documents

cc: Mr. Joseph C. Boggins  
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Bank One Tower  
Austin, Texas 78701  
(w/o enclosures)